IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5997 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ANAND P MEHTA

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR RK MISHRA for the Petitioner
MR SIRAJ GORI, AGP for Respondents Nos.1-2
MR HS MUNSHAW for Respondent No.3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 26/02/2003

ORAL JUDGEMENT

The petitioner before this Court is one of the trustees of Shri Kalka Devi Trust, an educational trust (hereinafter referred to as 'the Trust'). The Trust runs and manages a primary school named Kalka Vidyalaya at Sihor, District Bhavnagar. It is the claim of the Trust that it has been running the primary school i.e. Standards I to III since the year 1936. In the year 1955, the Trust had been granted permission to open a class of Standard IV. Permission to open a class of Standard V was given on 19th June, 1975 and the permission to open a class of Standard VI was given on 7th June, 1976. Since the school building had dilapidated, classes of Standards IV to VI were closed. After due repairs to the school building, the said classes were restarted in the year 1992. It is the grievance of the Trust that the petitioner has not been paid the amount of Government grant for the period from the year 1991 to 1995.

In answer to the notice issued by this Court, the respondent authorities have appeared and have contested the petition. In the counter affidavit made by the Deputy Director of Primary Education, it is denied that the Trust ever started classes of Standards V and VI pursuant to the permission granted in the years 1975 and 1976 respectively. Besides, on the records it appears that classes of Standards I to III also were derecognised and the concerned authorities had refused to grant fresh recognition. However, the complete facts are not before the Court.

In the circumstances, the learned advocate Mr.Mishra appearing for the Trust states that the Trust may make representation to the concerned authority for release of maintenance grant for the period from 1st April, 1991 to 31st March, 1995. He, therefore, seeks leave to withdraw this petition.

Leave is granted. The petition is disposed of as withdrawn. The petitioner Trust shall be at liberty to approach the concerned authority for payment of maintenance grant for the period from 1st April, 1991 to 31st March, 1995 in respect of the Kalka Vidyalaya, Sihor, District Bhavnagar.

It is clarified that in the event the petitioner Trust makes such representation, the decision of the concerned authority shall be final. Such decision, even

if adverse, shall not give a fresh cause of action to the petitioner Trust or the School. Rule is discharged with costs.

(Ms. R.M. Doshit, J.)

/sakkaf